

UNITED STATES OF AMERICA  
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
OFFICE OF ADMINISTRATIVE LAW JUDGES

In The Matter of:
MONTEREY ARMS, INCORPORATED,
Respondent.

HUDALJ 01-388-CMP

**ORDER OF DISMISSAL**

On January 22, 2001, the Secretary of the United States Department of Housing and Urban Development ("Secretary of HUD") through the Departmental Enforcement Center ("DEC") filed a Complaint seeking civil money penalties of \$82,500 against Monterey Apartments, Incorporated ("Respondent"). Respondent received a copy of the Complaint on January 25, 2002, but failed to file an answer.

On November 27, 2002, HUD served a Motion for Default Judgment on Monterey Arms, Incorporated. No reason was given in the Motion for the sudden change in the name of the Respondent. The DEC confirmed by telephone that the correct name of the entity should be Monterey Arms, Incorporated. As the complaint and the default motion have been issued in completely different names to an incorporated entity, I find that one or the other must, therefore, be defective. This defect, the same as issuing a complaint against John Smith and then seeking to default John Doe for failure to timely respond, is fatal to this case and precludes any further consideration of this matter. Therefore, it is **ORDERED** that this matter is dismissed, without prejudice.

\_\_\_\_\_  
ARTHUR A. LIBERTY

Chief Administrative Law Judge

I hereby certify that copies of this ORDER OF DISMISSAL, issued by ARTHUR A. LIBERTY, Chief Administrative Law Judge, HUDALJ 01-388-CMP, were sent to the following parties on this 21st day of January, 2003, in the manner indicated:

\_\_\_\_\_  
Chief Docket Clerk

**REGULAR MAIL:**

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